

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re: Edward H. Okun Internal Revenue  
Service Tax Deferred Exchange Litigation

NO. C 07-02795 JW  
NO. C 09-02079 JW

Anita Hunter, et al.,  
Plaintiffs,

v.

Citibank, N.A., et al.,  
Defendants.

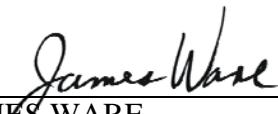
**ORDER VACATING CASE MANAGEMENT  
CONFERENCE; SETTING HEARING ON  
MOTION FOR PRELIMINARY APPROVAL  
OF WAVE II SETTLEMENT AGREEMENT**

This case is scheduled for a Case Management Conference on February 8, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (hereafter, "Joint Statement," Docket Item No. 261.) In their Joint Statement, the parties represent that Defendants Lockton, Todd Pajonas, Bank of America, N.A., and Countrywide Bank, FSB, have agreed, in principle, to settle as part of the Wave II Settlement Agreement. (*Id.* at 5.) In light of this representation, the Court finds that a Case Management Conference is unnecessary at this time.

Accordingly, the Court VACATES the Case Management Conference. On **May 10, 2010 at 9 a.m.**, the Court will conduct a hearing on the parties' anticipated Motion for Preliminary Approval

1 of the Wave II Settlement. The parties shall notice their motion in accordance with the Civil Local  
2 Rules of the Court.

3  
4 Dated: February 3, 2010

  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: February 3, 2010**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**